

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETROLIAM NASIONAL BERHAD,

Plaintiff,

No. C 09-5939 PJH

v.

ORDER DENYING MOTION TO DISMISS

GODADDY.COM, INC.,

Defendant.

The motion of defendant GoDaddy.com, Inc. ("GoDaddy") for an order dismissing the first amended complaint for failure to state a claim came on for hearing before this court on May 4, 2011. Plaintiff Petroliam Nasional Berhad ("Petronas") appeared by its counsel Perry R. Clark, and GoDaddy appeared by its counsel John L. Slafsky and Hollis Beth Hire. Having read the parties' papers and carefully considered their arguments, and good cause appearing, the court hereby DENIES the motion.

The court is unable to resolve a number of the issues raised in the present motion in the absence of a developed record. Among other things, the court requires a record clarifying the mechanics of what GoDaddy did or does with regard to the disputed domain names, and what "forwarding" and "routing" are and whether either or both can be considered part of domain name registration services generally or the services offered by GoDaddy. In addition, while the court has certain reservations concerning the adequacy of the pleading, it has concluded that dismissing the first amended complaint with leave to

1 amend, and then toiling through yet another round of briefing on motions to dismiss, would
2 not be productive.

3 The court will conduct a case management conference on Thursday, May 26, 2011,
4 at 2:00 p.m.

5
6 **IT IS SO ORDERED.**

7 Dated: May 5, 2011



PHYLLIS J. HAMILTON
United States District Judge